

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RAMIL AGLES SERRANO,

Petitioner,

v.

JASON BENNETT,

Respondent.

Case No. C23-5600-JHC

ORDER DISMISSING FEDERAL
HABEAS ACTION

The Court, having reviewed pro se Petitioner's petition for writ of habeas corpus (Dkt. # 7), Respondent's answer to the petition (Dkt. # 13), Petitioner's reply (Dkt. # 15), the Report and Recommendation (R&R) of United States Magistrate Judge S. Kate Vaughan (Dkt. # 16), Petitioner's objections thereto (Dkt. # 17), and the remaining record, hereby finds and ORDERS:

1. Petitioner's objections are somewhat difficult to follow because, among other things, they appear to quote nearly verbatim (without quotation marks or block quotes) portions of the Report and Recommendation. Upon careful review however, the Court is convinced that they fail to provide a basis to reject the Report and Recommendation.

2. Petitioner identifies four claims for relief.

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1 3. The Court agrees with the R&R that Petitioner failed to exhaust his state court
2 remedies with respect to the second (“Abuse of Discretion”) and fourth (“Double Jeopardy”)
3 claims. The objections provide no valid ground to question these conclusions as to exhaustion.

4 4. The Court also agrees that, as to the first, (“Ineffective Assistance of Counsel”),
5 the absence of a showing of prejudice is fatal to the claim. Finally, the Court agrees that, as to
6 the third (“Sufficiency of Evidence”), Petitioner does not demonstrate that the state court’s
7 conclusion on this issue was objectively unreasonable. The objections provide no valid
8 argument as to these conclusions.

9 5. Thus, the Report and Recommendation is approved and adopted.

10 6. Petitioner’s petition for writ of habeas corpus (Dkt. 7) is DENIED, and this action
11 is DISMISSED with prejudice.

12 7. For the reasons explained in the R&R, in accordance with Rule 11 of the Rules
13 Governing Section 2254 Cases in the United States District Courts, a certificate of appealability
14 is DENIED.

15 8. The Clerk is directed to send copies of this Order to Petitioner, to counsel for
16 Respondent, and to the Honorable S. Kate Vaughan.

17 DATED this 15th day of March, 2024.

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20 JOHN H. CHUN
21 United States District Judge
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